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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE MARILYN L. HUFF)

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANK MOLINA,

Defendant.

Case No.: 07cr3358-MLH

Date: January 28, 2008

Time: 2:00 p.m.

**NOTICE OF MOTIONS AND
MOTIONS TO:**

- (1) DISMISS INDICTMENT DUE TO THE
UNCONSTITUTIONALITY OF THE
CHARGING STATUTES;**
- (2) DISMISS THE INDICTMENT DUE TO
MISINSTRUCTION OF THE GRAND
JURY;**
- (3) PRESERVE AND INSPECT EVIDENCE;**
- (4) COMPEL DISCOVERY;**
- (5) SUPPRESS STATEMENTS; AND,**
- (6) GRANT LEAVE TO FILE FURTHER
MOTIONS**

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY; AND
DAVID LESHNER, ASSISTANT UNITED STATES ATTORNEY:

PLEASE TAKE NOTICE that on January 28, 2008, at 2:00 p.m., or as soon thereafter as counsel may be heard, the accused, Frank Molina, by and through his attorney, Jodi Denise Thorp, will ask this Court to enter an order granting the motions outlined below.

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MOTIONS

Defendant, Mr. Molina, by and through his attorney, Jodi Denise Thorp, pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law and local rules, hereby moves this Court for an order to:

- (1) Dismiss the Indictment Due to the Unconstitutionality of the Charging Statutes;
- (2) Dismiss the Indictment Due to Misinstruction of the Grand Jury;
- (3) Preserve and Inspect Evidence;
- (4) Compel Discovery;
- (5) Suppress Statements; and,
- (6) Grant Leave to File Further Motions.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, and any and all other materials that may come to this Court's attention at or before the time of the hearing on these motions.

Respectfully submitted,

s/ Jodi Denise Thorp

DATED: January 17, 2008

JODI DENISE THORP
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